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**AN ORDINANCE TO REGULATE THE HOURS OF
RESTAURANTS, RETAIL FOOD ESTABLISHMENTS,
RETAIL SALES AND PERSONAL SERVICES BUSINESSES
IN THE CITY OF CAMDEN**

WHEREAS, Chapter 332 entitled "Licenses and Business Regulations" of the Camden Code governs the regulation of retail businesses throughout the City of Camden; now, therefore

BE IT ORDAINED, by the City Council of the City of Camden that Chapter 332 is hereby amended by adding new Article V, which shall read as follows:

Article V, Hours of Operation

Section 1.. Purpose; findings.

A. The purpose of this Article regulating the business hours of restaurants, retail food establishments, and retail sales and service businesses in the City of Camden is to:


1. Improve the quality of life for residents in the residential areas of the City, particularly during the late night/early morning hours.
2. Decrease the incidence of arrests, criminal activity, nuisance complaints, and littering associated with large crowds of individuals congregating in, or in close proximity to, residential areas in the City during the late night/early morning hours, which individually and collectively have a negative impact on the quality of life for residents.
3. Discourage activities that compromise the public safety of residents and business patrons in certain areas of the City during the late night/early morning hours.
4. Provide for the efficient, effective and economical provision of scarce government resources in addressing each of the aforementioned purposes.

B. From input provided by residents of the City's neighborhoods and by the Police Department, Department of Code Enforcement and Department of Public Works, this City Council finds that a uniform closing time for businesses located within a Residential Zone or a certain distance from a Residential Zone, may significantly:

1. Reduce the crowds of individuals who are attracted to businesses located in, or in close proximity to, residential areas in the City, which businesses remain open during the late night/early morning hours when similar businesses in other parts of the City have long since closed.
2. Discourage crowds of individuals from congregating not only on the main streets and thoroughfares, but also onto adjoining residential streets, lots and parking areas, which prevents neighborhood residents from sleeping, safely walking their streets and enjoying the peace and quiet of their homes.
3. Reduce the incidence of disorderly conduct and criminal activities, including loitering, littering, public drinking, drug

I, LUIS PASTORIZA, MUNICIPAL CLERK OF THE CITY OF CAMDEN, DO HEREBY CERTIFY, that the foregoing is a true copy of an ordinance entitled "An Ordinance to regulate the hours of restaurants, retail food establishments, retail sales and personal services businesses in the City of Camden," adopted by the Council of the City of Camden, New Jersey, the 9th day of August, 2012, as taken from and compared with the original now on file in my office.

IN TESTIMONY WHEREOF, I have thereunto set my hand and affixed seal of the City of Camden, at this 23rd day of August, 2012.


Luis Pastorza, Municipal Clerk

dealing, noise, disturbance and other unlawful acts during the late night/early morning hours, which would lead to a commensurate reduction in the need for police presence and calls for police service in, or in close proximity to, residential areas.

4. Reduce debris in residential areas from improperly discarded food containers, wrappings, bottles, cans, utensils, and decomposing food products.

Section 2. Definitions.

For the purposes of this Article, the following terms shall have the following meanings:

PERSONAL SERVICES – establishments primarily engaged in providing services involving the care of a person or his or her goods or apparel, including, but not limited to, laundering, shoe repair, hair and body care, tailoring, travel agents, spas, tanning salons, and nutrition/weight loss centers.

RESTAURANT, shall include all of the following:

RESTAURANT, SIT-DOWN – an establishment where food and beverages, including alcoholic beverages, are prepared and sold and consumed primarily on the premises, where food sales constitute more than 50% of the gross sales receipts for all food and beverages. Such an establishment may include table or self-service, and food and beverages may be consumed either inside or at designated outdoor seating areas.

RESTAURANT, CARRYOUT – an establishment where food and beverages are prepared and sold for consumption on or off premises (customer tables or counters typically available). Such an establishment may take phone orders for food and may deliver food to customers.

RESTAURANT, DRIVE-THROUGH – an establishment where food and beverages are prepared and sold for consumption on or off premises, and which includes one or more drive-through customer service windows.

TAVERN or BAR – an establishment where food and beverages, including alcoholic beverages are prepared and sold and consumed on the premises, where food sales constitute 50% or less of the gross sales receipts for all food and beverages.

RESIDENTIAL ZONE - R1, R2 or R3 Residential Zone, as defined in the City's Zoning Code.

RETAIL FOOD ESTABLISHMENT – an establishment where food and beverages are offered for retail sale for consumption off premises. Such foods or beverages may be packaged in a ready-to-consume state or may come packaged and sold in bulk quantities. Examples of retail food establishments include, without limitation, grocery stores, ice cream shops, retail mini-marts, bakeries, and delicatessens.

RETAIL SALES – establishments engaged in selling goods or merchandise to the general public for personal or household

consumption and rendering services incidental to the sale of such goods, including, but not limited to, specialty shops and boutiques.

Section 3. Restaurants, retail food establishments, retail sales and personal services businesses to be closed during certain hours.

A. Restaurants, retail food establishments, retail sales, and personal services businesses located within a Residential Zone or within two hundred (200) feet of a Residential Zone, may operate in the City only within the time restrictions set forth in this section:

1. Sunday through Thursday: 6:00 a.m. to 11:00 p.m.

2. Friday through Saturday: 6:00 a.m. to 12:00 a.m.

B. The distance of two hundred (200) feet to a Residential Zone is measured in a straight line from the lot line of the restaurant, retail food establishment, retail sales, or personal services business to the border of the Residential Zone.

C. Notwithstanding any other provisions of this Article, the time limitations in this section do not apply to the following:

1. Holders of plenary retail consumption or retail distribution licenses under the Alcoholic Beverage Law, N.J.S.A. 33:1-1 et seq., which holders are subject to the aforesaid State law and the City's Alcoholic Beverages Ordinance, Chapter 129 of the City Code; and

2. for the purposes of residents' health and safety:

a. the sale of gasoline, diesel fuel, propane gas or kerosene at gasoline filling stations; and

b. the sale of prescription or non-prescription ("over-the-counter") medications in drugstores and pharmacies.

Section 4. § 555-8. Violations and penalties.

Unless otherwise provided in this Chapter, penalties against persons violating the provisions of this Chapter shall be imposed in accordance with the provisions of § 1-16A of the City Code.

BE IT FURTHER ORDAINED that Chapter 332 (Licenses and Business Regulations), Article IV (Enforcement), § 332-20 of the Code of the City of Camden be, and hereby is, amended and supplemented to add the following new subsection (additions underlined):

§ 332-20. Reasons for revocation or suspension.

A. In addition to provisions elsewhere in this chapter and other ordinances of the City of Camden, licenses issued by the City of Camden may be suspended for, but not limited to, one or more of the following reasons:

(1) Material fraud, misrepresentation or false statements in connection with the application for the license.

(2) Material fraud, misrepresentation or false statements in connection with the offer to sell or the sale of goods,

wares, merchandise or services which are the subject of the license.

(3) Material violation of this chapter or other ordinances.

(4) Material violation by the licensee of this chapter or other ordinances related to the license or to the premises, if any, occupied by the licensee or in connection with the license.

(5) Conducting the business activity or enterprise for which the license is issued in a manner so as to constitute a nuisance, as defined by other ordinances or the laws of this state.

(6) Conducting the business activity or enterprise for which the license is issued in a manner so as to violate Chapter 261 (Food services entities) of the Code of the City of Camden.

(7) Conducting the business activity or enterprise for which the license is issued in a manner so as to violate Chapter 332, Article V of the Code of the City of Camden.

B. In addition to provisions elsewhere in this chapter or other ordinances, licenses issued by the City of Camden may be revoked for, but not limited to, one or more of the following reasons:

(1) Two or more suspensions for any length of time within a period of one year.

(2) Two or more convictions within a period of one year concerning actions brought for violations in connection with the license.

(3) Conducting the business, activity or enterprise for which the license is issued in a manner so as to constitute a nuisance, as defined by other ordinances or the laws of this state.

(4) Any conviction of the licensee for a violation of any of the laws of the United States, this state or any other state substantially related to the subject matter of the license or to the premises, if any, occupied by the licensee in connection with the license.

(5) Where the activity, use or privilege authorized under the license is being or has been exercised so as to otherwise be detrimental to the public health, safety or welfare.

(6) Conducting the business, activity or enterprise for which the license is issued in a manner so as to violate Chapter 261 (Food services entities) of the Code of the City of Camden.

(7) Conducting the business activity or enterprise for which the license is issued in a manner so as to violate Chapter 332, Article V of the Code of the City of Camden.

BE IT FURTHER ORDAINED that any portion of this ordinance not herein amended and supplemented shall remain in full force and effect.

BE IT FURTHER ORDAINED that all ordinances or parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed as to such inconsistency only.

BE IT FURTHER ORDAINED that this ordinance shall take effect twenty (20) days after final passage and publications as provided by law.

BE IT FURTHER ORDAINED that if any provision of this ordinance is declared invalid, such invalidity shall not effect the other provisions of this ordinance. Furthermore, the other provisions of this ordinance are deemed to be severable and remain in full force and effect.

BE IT FURTHER ORDAINED, that pursuant to N.J.S.A. 52:27BBB-23 and N.J.S.A. 40:69A-41, a true copy of this Ordinance shall be forwarded to the Mayor, who shall have ten (10) days from the receipt thereof to approve or veto this Ordinance. Additionally, pursuant to N.J.S.A. 52:27BBB-23, a true copy of this Ordinance shall be forwarded to the State Commissioner of Community Affairs, who shall have ten (10) days from the receipt thereof to veto this Ordinance, and the action by the Commissioner regarding this Ordinance shall supersede any action by the Mayor on the same Ordinance. All notices of approval and/or veto shall be filed in the Office of the Municipal Clerk.

Dana M. Burley

Dated: June 14, 2011

The above has been reviewed
and approved as to form.

Marc A. Riordino
MARC A. RIORDINO
City Attorney

Francisco Moran
FRANCISCO MORAN
President, City Council

Dana L. Redd
DANA L. REDD
Mayor

FIRST READING: July 12, 2011

SECOND READING: August 9, 2011

ADOPTED: August 9, 2011

ATTEST: Luis Pastoriza
LUIS PASTORIZA
Municipal Clerk